



General Assembly

Substitute Bill No. 5626

February Session, 2006

* _____HB05626GAE____041106_____*

AN ACT CONCERNING BROWNFIELDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective October 1, 2006*) Not later than December 31,
2 2007, the Commissioner of Environmental Protection shall enter into a
3 memorandum of understanding with the United States Environmental
4 Protection Agency to foster the remediation of contaminated sites in
5 the state. Said memorandum shall require that any owner that
6 successfully completes the remediation of a property in accordance
7 with the requirements of title 22a of the general statutes shall be
8 deemed to have satisfied all remediation obligations administered by
9 the United States Environmental Protection Agency pursuant to the
10 Toxic Substances Control Act, the Solid Waste Disposal Act, and the
11 Comprehensive Environmental Responsibility, Compensation and
12 Liability Act.

13 Sec. 2. (NEW) (*Effective October 1, 2006*) (a) For purposes of this
14 section, "brownfield" means brownfield, as defined in 42 USC 9601.

15 (b) There is established a Connecticut Brownfields Authority, which
16 shall consist of the Commissioner of Environmental Protection, the
17 Commissioner of Economic and Community Development and the
18 Commissioner of Health, or their respective designees, and a
19 representative of the Connecticut Development Authority. The
20 Connecticut Brownfields Authority shall work to ensure the prompt

21 remediation of brownfields in the state, including providing funding
22 for such remediation as necessary.

23 (c) The Connecticut Brownfields Authority shall actively seek
24 brownfield grant funds from the United States Environmental
25 Protection Agency to be used for brownfield remediation in the state.

26 (d) Connecticut Brownfields Authority may designate funds to be
27 used for brownfield remediation. Such funds shall be distributed by
28 the authority to owners remediating brownfields as either grants or
29 low interest loans. Said authority may provide such funds to existing
30 owners of brownfields, provided such owners can demonstrate to the
31 authority's satisfaction that they did not cause the release of any
32 hazardous substances or petroleum at the brownfield, or provided the
33 owner can demonstrate the following:

34 (1) That it utilized reasonable disposal practices of hazardous
35 substances or petroleum, taking into account the disposal practices
36 that were commonly used by similar entities at the time of disposal;

37 (2) That it did not knowingly cause injury to human health or the
38 environment as a result of its disposal of hazardous substances or
39 petroleum; and

40 (3) That it has never been found guilty of a knowing or wilful
41 violation of an environmental law.

42 (e) In determining what funds shall be made available for
43 brownfield remediation, the Connecticut Brownfields Authority shall
44 consider a owner's ability to pay some, or all, of the costs of
45 remediation. Said authority shall give preference to owners that
46 demonstrate a limited ability to pay for such remediation.

47 (f) In providing funds pursuant to this section, the Connecticut
48 Brownfields Authority may impose the following conditions:

49 (1) A requirement that the owner receiving the funds not transfer

50 title of the property for a set period of time of not more than ten years;

51 (2) A requirement that the owner receiving funds reimburse the
52 state for such funds in the event that it receives funds for remediation
53 from other sources; or

54 (3) A requirement that the owner receiving funds continue to
55 employ residents of the state for a set period of time of not more than
56 ten years.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	New section
Sec. 2	<i>October 1, 2006</i>	New section

ENV *Joint Favorable Subst.*

GAE *Joint Favorable*